

Supplemental Material

For

City of Sacramento

City Council
Financing Authority
Housing Authority
Redevelopment Agency

Agenda Packet

Submitted: November 23, 2010

For the Meeting of: November 23, 2010

- Additional Material
- Revised Material

TITLE:

An Ordinance Adding Article IV to Chapter 9.12 of the City Code Relating to Social Host Liability for Alcohol Consumption by Minors

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Neighborhood Services / Special Events

Please include this supplemental material in your agenda packet. This material will also be published to the City's Internet. For additional information, contact the City Clerk Department at Historic City Hall, 915 I Street, First Floor, Sacramento, CA 95814-2604, (916) 808-7200.

(REDLINE)

9.12.210 Consumption of alcohol by a minor on private property prohibited.

Except as provided in Section 9.12.230, no minor shall consume any alcoholic beverage on private property.

9.12.220 Hosting a gathering where minors consume alcoholic beverages prohibited.

Except as provided in Section 9.12.230, no person shall host a gathering on private property where such person knows or reasonably should know that alcoholic beverages are being served to, possessed by or consumed by a minor. Whenever such person is present during such a gathering where alcoholic beverages are being served to, possessed by or consumed by a minor, it shall be a rebuttable presumption that the person knew or should have known alcoholic beverages are being served to, possessed by or consumed by a minor.

9.12.230 Exemptions.

A. The provisions of Sections 9.12.210 and 9.12.220 shall not apply to:

1. Conduct involving use of alcoholic beverages as permitted under federal or state law;
2. Premises regulated by the California Department of Alcohol and Beverage Control;
3. A family gathering.

B. The provision of Section 9.12.220 shall not apply to a social host who initiates contact with law enforcement to assist in removing any person from a gathering or terminating the gathering in order to comply with this article, provided such request for assistance is made before any other person contacts law enforcement to complain about the gathering.

C. The provision of Section 9.12.220 shall not apply to landlords, property managers, and similar owner agents of such private property, with the sole exception of an owner who, whether on a temporary or permanent basis, leases, rents or allows the use of, such private property by or to a family member for any purpose, with or without compensation.

9.12.240 Recovery of response costs.

A. The response costs incurred for the second and any subsequent response within any 60-day period to the same property for a violation of this article shall be imposed on a social host as provided in this section. All social hosts in violation of Section 9.12.220 for the same gathering shall be jointly and severally liable for the response costs incurred in response to their gathering. If a social host who is in violation of Section